

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS SANDELL OTT,  
Petitioner, Civ. S-99-0946 DFL GGH P  
v. O R D E R  
ANTHONY NEWLAND, Warden,  
Respondent.

\_\_\_\_\_/

Petitioner's application for a writ of habeas corpus under 28 U.S.C. § 2254 was denied on February 4, 2004. The court denied his request for a certificate of appealability on June 14, 2004. On July 22, 2004, the Ninth Circuit Court of Appeals also denied his request for a certificate of appealability.


Petitioner filed a motion for relief from judgment under Fed.R.Civ.P. 60(b) on January 25, 2005, which the court denied on March 22, 2005. Petitioner now brings a request for a certificate of appealability to appeal the denial of his Rule 60(b) motion.

1 Under 28 U.S.C. § 2253, a certificate of appealability is  
2 warranted only if the case presents a "substantial question,"  
3 i.e., one that is "'debatable among jurists of reason,'" could be  
4 resolved differently by a different court, or is "'adequate to  
5 deserve encouragement to proceed further.'" Jennings v. Woodford,  
6 290 F.3d 1006, 1010 (9th Cir. 2002) (quoting Barefoot v. Estelle,  
7 463 U.S. 880, 893 (1983)).

8 This case presents no such "substantial question" and the  
9 April 19, 2005 motion for certificate of appealability is DENIED.

10 IT IS SO ORDERED.

11 Dated: 6/30/2005

12  
13   
14 \_\_\_\_\_  
15 DAVID F. LEVI  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26